

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT P. MAGYAR

v.

JERRY KENNEDY, CLIFFORD
PEACOCK, and CLEANAN J.
WATKINS

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CIVIL ACTION

NO. 12-5906

ORDER

AND NOW, this 20th day of November, 2013, upon consideration of Defendants' Motion to Dismiss Count One of Plaintiff's Second Amended Complaint (Docket No. 23), all documents filed in connection therewith, and the Hearing held on November 5, 2013, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **DENIED**.

BY THE COURT:

/s/ John R. Padova
John R. Padova, J.